

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KENNETH FRANCO, an
incapacitated individual,
by his GUARDIANS AD LITEM,
CECILIA GRIGLAK and PATRICK
GRIGLAK and CECILIA GRIGLAK
and PATRICK GRIGLAK,
Individually,

Plaintiff,

-against-

FARLEIGH DICKINSON UNIVERSITY,
ABE BOW (1-3 fictitiously named),
JOHN VIN (1-3 of them -
fictitiously named),
DEF COMPANY(1-10 fictitiously
named), UPSILON HEXATON CHAPTER
OF PHI SIGMA KAPPA FRATERNITY,
THE GRAND CHAPTER OF PHI SIGMA
KAPPA, INC., ABC COMPANY
(1-10 names being fictitious),
XYZ COMPANY (1-10 names being
fictitious), JOHN DOES (1-10
names being fictitious),
JANE DOES (1-10 names being
Fictitious);
ROBERT ROES (1-10 names being
fictitious), SALLY SOES (1-10
names being fictitious);
JOE LOES (1-10 names being
Fictitious); FRANK DADES;
DOMINICK STELLACCIO; JASON
MISENER; CRAIG FELMING; MATTHEW
PIERONI; RACHEL LISTMAN; MANNY
MOES (1-10 names being fictitious),
GHI COMPANY (1-10 fictitiously
named), JKL TAVERN AND/OR LIQUOR
STORE (1-10 names being
fictitious), TOMMY TOES
(1-10 names being fictitious),
MARY HOE (1-5 names being
fictitious), JACK HOE (1-5 names
being fictitious),
UNITED RENTALS (NORTH AMERICA),

Civil Action No.: 22-cv-6447

**STIPULATION OF DISMISSAL
AND CONSENT TO REMAND TO
STATE COURT**

INC., URN (1-5 names being fictitious), ROY VIN (owner of vehicle 1-3 names being fictitious), DAVE LIN (operator of vehicle 1-3 names being fictitious), LAN COMPANY (1-5 names being fictitious), and PETER LOE (1-3 names being fictitious), TILCON NEW YORK, INC., MATTHEW SMIGELSKI, SPENCER GOLDIN, JAMES FRISBY, MICHAEL DACOSTA, JOSEPH PISERCHIO,

Defendants.

Pursuant to Federal Rule of Civil Procedure 7, 15, and/or 41, Plaintiff Kenneth Franco (“Plaintiff”), Meridian Resource Company, LLC (“Meridian”), and Horizon Healthcare Services Inc. (“Horizon”) stipulate and agree that the motion that Plaintiff filed on October 17, 2022 (before this case was removed), in the Superior Court of New Jersey, Bergen County, Case No. BER-L-5362-16 (the “Motion”),¹ is hereby withdrawn and dismissed with prejudice as against Meridian and Horizon, with each party bearing its own attorneys’ fees and costs.

With the withdrawal and dismissal with prejudice of the Motion as against Meridian and Horizon, there is no longer any proceeding brought against (or otherwise involving) Meridian or Horizon, which are the entities that acted under a federal officer and that removed this case pursuant to the federal officer removal statute, 28 U.S.C. § 1442(a). Accordingly, Plaintiff, Meridian, and Horizon hereby stipulate to the remand of this case to the Superior Court of New


¹ The Motion – including a “Notice of Motion,” “Proposed Order,” “Certification” of Raymond S. Vivino, and a copy of the docket entry for the Motion – can be found at ECF No. 1-1 in this case.

Jersey, Bergen County. Meridian and Horizon further agree that each party shall bear its own attorneys' fees and costs associated with the removal and remand.

Dated: November 30, 2022
New York, New York

Respectfully submitted,

**STRADLEY RONON
STEVENS & YOUNG**

By: _____

Andrew I. Hamelsky

Jenifer A. Scarcella

100 Park Ave., Suite 2000

212.404.0638

Attorneys for

Meridian Resource Company, LLC and

Horizon Blue Cross Blue Shield of

New Jersey

VIVINO & VIVINO, ESQS.

Attorneys for Plaintiffs

/s/ Raymond S. Vivino

By: _____

Raymond S. Vivino, Esq.

Dated. November 29, 2022

ORDER OF DISMISSAL AND REMAND

Pursuant to the stipulation of the parties under Federal Rule of Civil Procedure 7, 15 and/or 41, IT IS ORDERED that this action be, and hereby is, dismissed as to all claims, counterclaims, causes of action, and parties, with each party bearing its own attorneys' fees and costs.

IT IS FURTHER ORDERED that this action be, and hereby is, remanded to the Superior Court of New Jersey, Law Division, Civil Part, Bergen County, with each party bearing its own attorneys' fees and costs.

ORDERED:

Hon. Jessica S. Allen, U.S.M.J.